THE HON'BLE MR. JUSTICE V.V.S. RAO

WEDNESDAY, THE 28TH DAY OF DECEMBER, 2005

W.P.No. 27390 of 2005

Between:-

Syed Fakhir Saheb and two others.

--Petitioners

And

The Commissioner of Land Administration, A.P., Hyderabad and two others.

--Respondents

THE HON'BLE MR. JUSTICE V.V.S. RAO

W.P.No. 27390 of 2005

:O R D E R:

The petitioners allegedly made an application on 30-09-2005 before the third respondent requesting for Pattadar Passbooks and title deeds in respect of the land admeasuring Acs.05-00 in survey No. 41/14 (part) situated at Khanammet village, Serilingampally, Ranga Reddy district. Alleging that the same was not acted upon, the present writ petition is filed.

It is the case of the petitioners that the first petitioner was granted 'D' form patta in respect of the subject land and is in possession since 1949. The first petitioner also alleges that he, with the help of petitioners No. 2 and 3, brought the rocky terrain to cultivation and approached the Revenue authorities for grant of Pattadar Passbooks. The petitioners also made a representation to the Chief Commissioner of Land Administration on 23-05-2005 requesting for suitable order under the provisions of the Andhra Pradesh Rights in Land and Pattadar Passbooks Act, 1971, in vain.

Learned counsel for the petitioners strenuously contends that the first petitioner was assigned land, who has cultivated the lands with the help of his sons –petitioners No. 2 and 3 and, therefore, the Mandal Revenue Officer ought to have conducted an inquiry and issued pattadar passbooks. **Per contra**, learned Assistant Government Pleader, after obtaining instructions, submits that the land in survey No. 41/14 is classified in revenue records as Sarkari poramboku and the same has not been assigned to the first petitioner. He further submits that the land is covered by rocks and not fit for cultivation and that the petitioner is not in possession of the land.

Except annexing the representations made by the petitioners to the respondents, no proof is placed before this court to show that the land was assigned to the first petitioner in 1949/1951. The matter was initially listed on 23-12-2005 and the

learned counsel for the petitioner was directed to produce documentary proof to show that the land, in fact, was assigned to the first petitioner. Today, learned counsel for the petitioner has not produced any such proof, much less a certified copy of the 'D' form patta. He placed reliance on reference entry No.3 in the representation dated 23-05-2005 allegedly made by the petitioners through their G.P.A. holder to submit that the then Tahasildar, Hyderabad West issued a patta in favour of the petitioner. The same cannot be taken as a valid proof. It is a representation made by the petitioners through the G.P.A. Further, even according to the affidavit filed in support of writ petition by the G.P.A. holder, first petitioner was given assignment in the year 1949; whereas in the representation dated 23-05-2005 made to the first respondent, it is alleged that 'D' form patta was assigned on 26-04-1951. The petitioners have failed to demonstrate their right, which can be enforced in these proceedings under Article 226 of the Constitution of India. Therefore, they are not entitled to the relief as prayed for.

The writ petition, for the above reasons, is dismissed. No costs.

_____

V.V.S. RAO, J

28-12-2005

pvks/*